



REFERENCE NUMBER: 16/3/3/1/A4/73/3045/21
NEAS REFERENCE NUMBER: WCP/EIA/0000968/2021
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 27 May 2022

The Director
Commercial Dynamics (Pty) Ltd.
P.O. Box 53388
KENILWORTH
7745

For Attention: Mr. A. Essop

Tel: (021) 674 5553

Email: Anver@newageproperties.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED WATERGATE RESIDENTIAL DEVELOPMENT ON PORTIONS 18, 19 AND 20 OF FARM NO. 691, MITCHELLS PLAIN.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the Environmental Authorisation below.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)
(2) Mr. M. Geldenhuys (Doug Jeffrey Environmental Consultants)

Email: Azanne.vanWyk@capetown.gov.za

Email: Marais@dougjeff.co.za /

Email: Doug@dougjeff.co.za

REFERENCE NUMBER: 16/3/3/1/A4/73/3045/21

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED WATERGATE RESIDENTIAL DEVELOPMENT ON PORTIONS 18, 19 AND 20 OF FARM NO. 691, MITCHELLS PLAIN.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated February 2022.

A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Director
% Mr. A. Essop
Commercial Dynamics (Pty) Ltd.
P.O. Box 53388
KENILWORTH
7745

Tel: (021) 674 5553
Email: Anver@newageproperties.co.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity / Project Description
<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 27 Activity Description:</p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</i></p> <p><i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development will result in the clearance of an area of 1 hectare or more of indigenous vegetation. The total development footprint will be approximately 2.3ha in extent.</p>
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><u><i>i. Western Cape</i></u></p> <p><i>(i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>(ii) Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>(iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p><i>(iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p><i>(v) On land designated for protection or conservation purposes in an Environmental Management Framework</i></p>	<p>The proposed development will result in the clearance of an area of 300m² or more of remnant. Cape Flats Dune Strandveld, which is an Endangered ecosystem listed in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection (2011).</p>

<i>adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i>	
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The abovementioned is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The Preferred Alternative entails the development of the Watergate residential development and associated infrastructure on Portions 18, 19 and 20 of Farm No. 691, Mitchells Plain. The residential development will comprise the following:

- The development of approximately 81 single residential units;
- The development of approximately 105 residential units in apartment blocks approximately 4 storeys in height;
- An open space area approximately 1200m² in extent;
- Stormwater infrastructure;
- Internal roads; and
- Associated infrastructure.

Access to the site will be gained off Watergate Boulevard. All services will be provided by the Local Authority, which has been confirmed.

The total development footprint will be approximately 2.31ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portions 18, 19 and 20 of Farm No. 691, Mitchells Plain.

The 21-digit Surveyor General codes are:

Portion 18 of Farm No. 691, Mitchells Plain	C01600000000069100018
Portion 19 of Farm No. 691, Mitchells Plain	C01600000000069100019
Portion 20 of Farm No. 691, Mitchells Plain	C01600000000069100020

The central co-ordinates for each portion of the proposed site are:

Portion 18 of Farm No. 691, Mitchells Plain	34° 01' 09.87" South	18° 36' 58.85" East
Portion 18 of Farm No. 691, Mitchells Plain	34° 01' 10.29" South	18° 36' 55.06" East
Portion 18 of Farm No. 691, Mitchells Plain	34° 01' 10.41" South	18° 36' 51.11" East

Refer to **Annexure 1**: Locality Plan and **Annexure 2**: Site Development Plan.

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants
 % Mr. M. Geldenhuys
 P. O. Box 44
KLAPMUTS
 7625

Tel: (021) 875 5272
 Email: Marais@dougjeff.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated February 2022 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. A minimum of **seven (7)** calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activity.
 - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11.

Notification and administration of appeal

7. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the outcome of the application;
 - 7.1.2. the reasons for the decision as included in Section H;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section F below;
 - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 7.4. Provide the registered I&APs with:

- 7.4.1. The name of the holder (entity) of this amended Environmental Authorisation;
- 7.4.2. The name of the responsible person for this amended Environmental Authorisation;
- 7.4.3. The postal address of the holder;
- 7.4.4. The telephonic and fax details of the holder;
- 7.4.5. The e-mail address, if any, of the holder; and
- 7.4.6. The contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

- 8. The listed activities, including site preparation, must not commence within **twenty (20)** calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

- 9. The Environmental Management Programme ("EMPr") (compiled by Doug Jeffery Environmental Consultants and dated February 2022) and submitted as part of the application for Environmental Authorisation is hereby approved, on condition that the following amendments are made and must be implemented.
 - 9.1. A copy of the approved stormwater management plan must be included in the EMPr.
- 10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

- 11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
- 12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activity during the development activities thereafter it must be kept at the office of the holder, and must be made available to any authorised person on request.
- 13. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

- 14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 14.1. The holder must undertake an environmental audit within three (3) months of the commencement of the listed activities and submit an Environmental Audit Report to the Competent Authority one (1) month after the completion of undertaking the environmental audit.

- 14.2. Thereafter, the holder must undertake an environmental audit every two (2) years during the construction period and submit the Environmental Audit Reports to the Competent Authority one (1) month after the completion of undertaking each of the environmental audits.
- 14.3. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development/construction activities.
- 14.4. The holder must, within seven (7) days of the submission of the reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to any I&APs upon request.

Specific Conditions

15. Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.
16. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated building rubble generated on the premises can be used as back-filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited in the recreated wetland area.
17. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
18. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

4. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

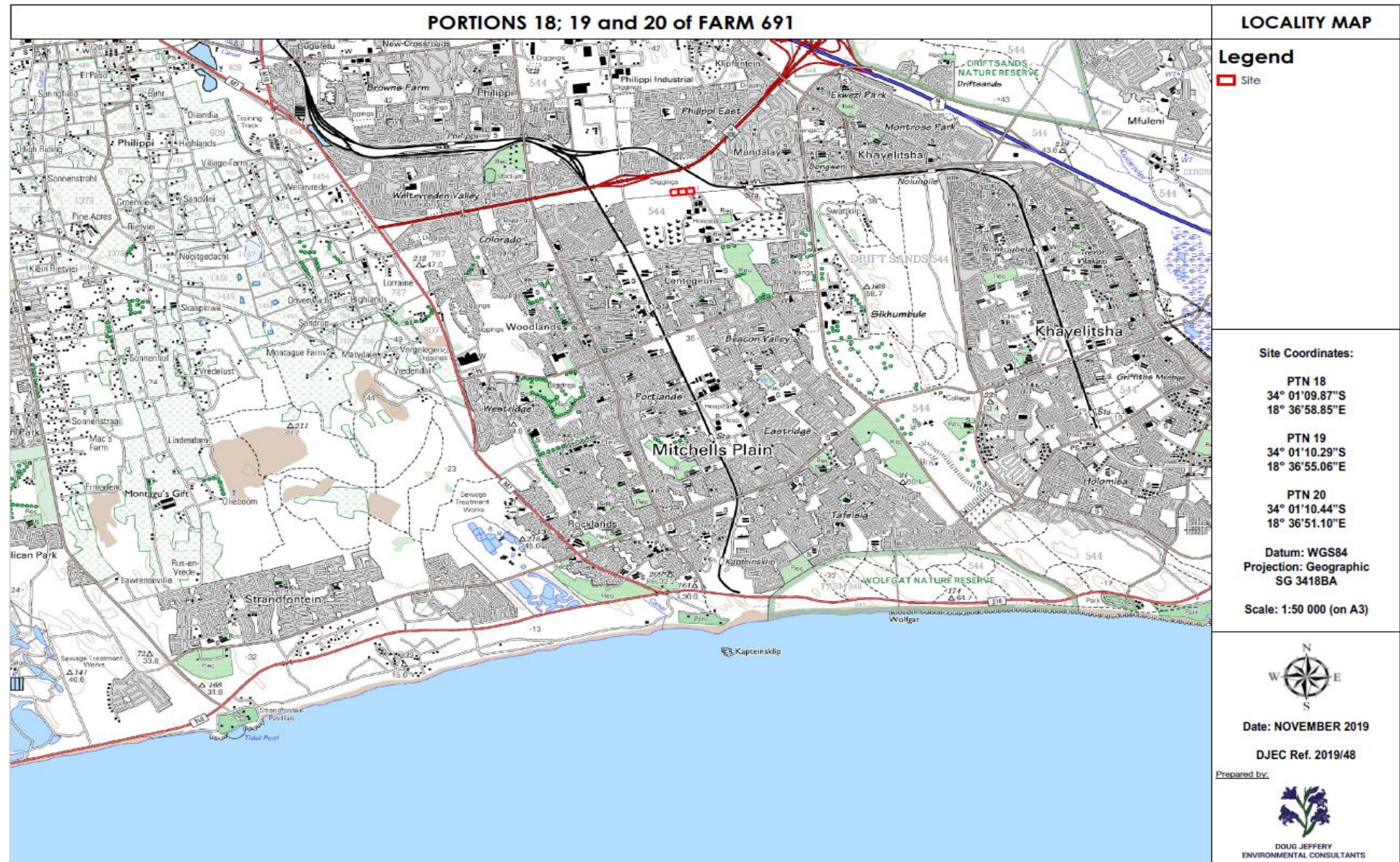
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 27 MAY 2022

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)
(2) Mr. M. Geldenhuys (Doug Jeffery Environmental Consultants)

Email: Azanne.vanWyk@capetown.gov.za
Email: Marais@dougjeff.co.za /
Email: Doug@dougjeff.co.za

ANNEXURE 1: LOCALITY PLAN



LOCALITY MAP

Legend

 Site

Site Coordinates:

PTN 18
 34° 01'09.87"S
 18° 36'58.85"E

PTN 19
 34° 01'10.29"S
 18° 36'55.06"E

PTN 20
 34° 01'10.44"S
 18° 36'51.10"E

Datum: WGS84
Projection: Geographic
SG 3418BA

Scale: 1:50 000 (on A3)



Date: NOVEMBER 2019

DJEC Ref. 2019/48

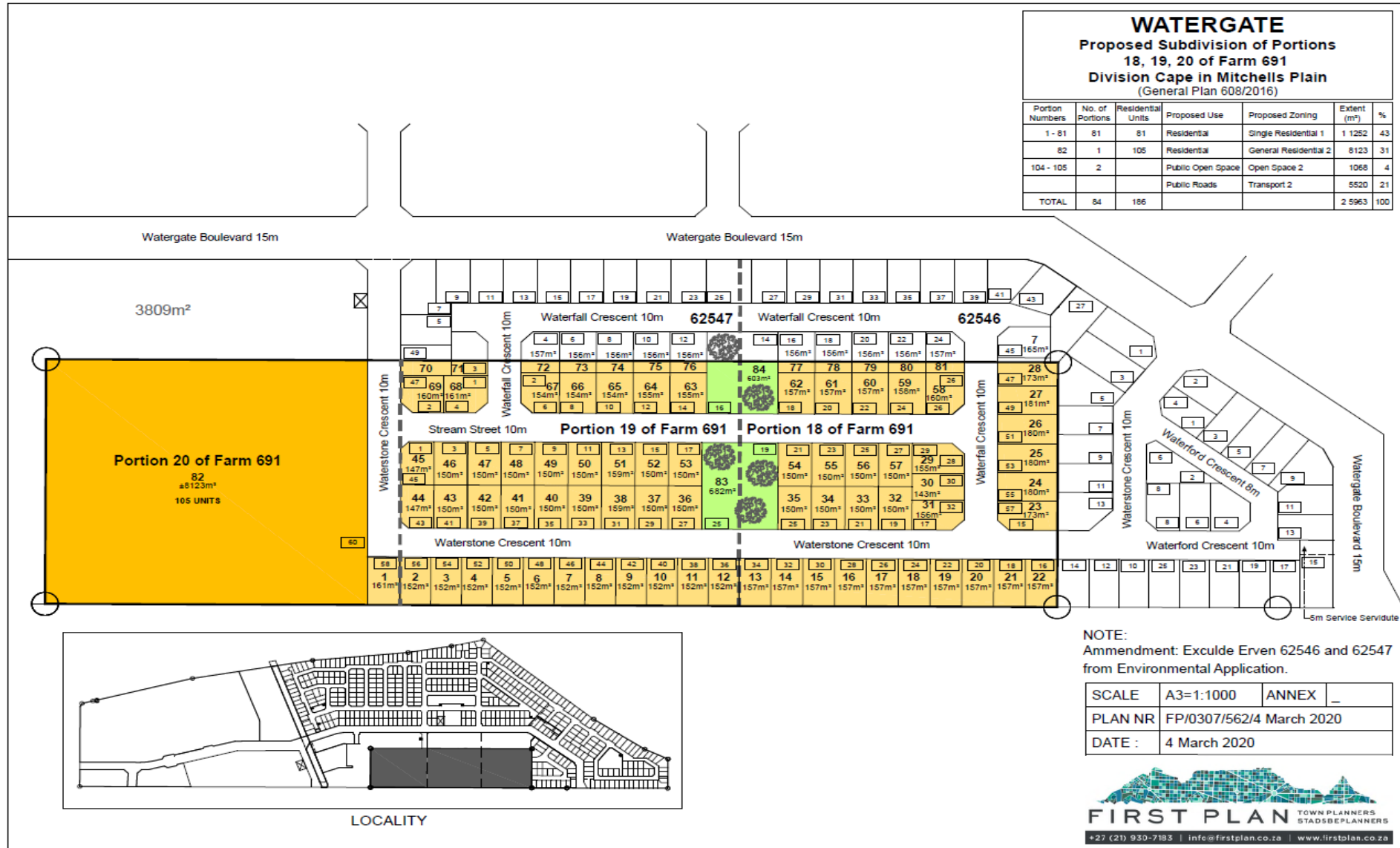
Prepared by:



DOUG JEFFERY
ENVIRONMENTAL CONSULTANTS

ANNEXURE 2: SITE PLAN

Site plan of the proposed development.



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the Application Form dated and received by the Competent Authority on 01 September 2021, the BAR dated February 2022 and received by the Competent Authority on 11 February 2022, the EMPr submitted together with the BAR received by the Competent Authority on 11 February 2022 and the additional information received by the Competent Authority on 26 May 2022 and 27 May 2022;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from interested and affected parties and the responses to these, included in the BAR dated February 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted, the Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at the entrance of the estate and at the boundary of the proposed site where the listed activities are to be undertaken on 31 July 2020;
- the placing of a newspaper advertisement in the 'The Daily Sun' on 31 July 2020;
- Making the pre-application draft BAR available to I&APs for public review from 31 July 2020 to 31 August 2020;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 31 July 2020;
- Making the draft BAR available to I&APs for public review from 20 September 2021 to 20 October 2021 and a revised draft BAR on 06 January 2022 to 04 February 2022; and
- The PPP undertaken was in accordance with the approved Public Participation Plan received by the Competent Authority on 22 July 2020.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address concerns raised.

2. Alternatives

Layout Alternatives with respect to a lower number of residential units and a higher number of units. A layout with a lower number of residential units was screened out since it does not result in an efficient use of the land and will not meet market-related demands. A layout with a higher number of residential

units was screened out since it would result in an increase in traffic impacts, an increase on municipal service infrastructure and a reduction in open space. No site alternatives were investigated since the applicant is the landowner. The proposed site is not botanically sensitive, contains no watercourses, is land-locked and is close to public transport. The Preferred Alternative and the "No-Go" Alternatives were therefore assessed as follows:

The Preferred Alternative - herewith authorised

The Preferred Alternative entails the development of the Watergate residential development and associated infrastructure on Portions 18, 19 and 20 of Farm No. 691, Mitchells Plain. The residential development will comprise the following:

- The development of approximately 81 single residential units;
- The development of approximately 105 residential units in apartment blocks approximately 4 storeys in height;
- An open space area approximately 1200m² in extent;
- Stormwater infrastructure;
- Internal roads; and
- Associated infrastructure.

Access to the site will be gained off Watergate Boulevard. All services will be provided by the Local Authority, which has been confirmed.

The total development footprint will be approximately 2.31ha in extent.

The Preferred Alternative provides for the most efficient use of the proposed site. The concerns highlighted by the City of Cape Town with respect to considerations of air quality impacts, stormwater management principles and landscaping / botanical aspects have been included. The Preferred Alternative is in-keeping with the surrounding greater Watergate development and will link to existing municipal infrastructure and roads.

"No-Go" Alternative

The "No-Go" alternative entails the "status quo", *i.e.* not developing the proposed site for residential purposes. Since the Preferred Alternative will not result in unacceptable environmental impacts and in consideration of the demonstration of the application of the Section 2 NEMA principles and implementation of the mitigation hierarchy, the "No-Go" alternative was not preferred.

3. Impact Assessment and Mitigation measures

4.1. Activity Need and Desirability

The proposed site is zoned for agricultural purposes and will require a rezoning application in terms of the relevant planning policies applicable to the area. The proposed site is isolated as it is flanked in the north, east and west by the existing Watergate residential development and a hospital on the southern boundary.

The proposed development is aligned to the Western Cape Provincial Spatial Development Framework ("WCPSDF") since the objective of developing integrated and sustainable settlements where potential residents are integrated with public transport nodes, health, and social amenities with the provision of high-density infill housing will be met. The proposed development is additionally aligned to the desired spatial transformation objectives of the Municipal Spatial Development Framework, Integrated Development Plan and the Khayelitsha, Mitchells Plain and Greater Blue Downs District Plan as it is an urban infill development and forms part of the transit-orientated development and associated densification.

Therefore, the proposed development is deemed to be aligned with applicable planning legislation and policies. The development activities associated with the proposed development are expected to alleviate unemployment within the area on a short-term basis and periodic contractual maintenance is envisaged.

4.2. Agricultural Impacts

According to the Screening Report (dated 15 September 2021), the proposed site is located within a high sensitivity area from an agricultural perspective, which has been disputed by the EAP since the proposed site has not been used for agricultural purposes, is degraded, and is surrounded by urban development. The Western Cape Department of Agriculture has indicated (in their comment dated 22 March 2022) that they do not object to the proposed development.

3.3. Botanical Impacts

According to the Screening Report (dated 15 September 2021), the proposed site is deemed to be located within a very high sensitivity area from a terrestrial biodiversity perspective and a medium sensitivity area from a plant species perspective. A botanical site sensitivity verification and compliance statement (compiled by Capensis Ecological Consulting and dated December 2019) was undertaken to determine the potential botanical impacts associated with the proposed development.

Although the proposed site contains patches of original vegetation in small portions of the study area, the specialist indicated that the proposed site is degraded, isolated and in a very poor condition. The ecological functioning of the proposed site has been significantly altered as historical aerial imagery indicated evidence of disturbance since 2011. Portions 19 and 20 of Farm No. 691, Mitchells Plain were completely cleared of indigenous vegetation from 2015 to 2019. The proposed site does not form part of the City of Cape Town's Biodiversity Network, is not mapped as a Critical Biodiversity Area, Ecological Support Area or Other Natural Area. No species of conservation concern were observed by the specialist and no connecting / ecological corridor for important habitats exist.

The proposed site is mapped to contain Cape Flats Dune Strandveld vegetation, which is an Endangered ecosystem listed in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National List of Ecosystems that are Threatened and in Need of Protection (2011). The very high sensitivity rating has therefore been disputed to a low sensitivity rating and the proposed development is supported by the specialist from a botanical perspective. No mitigation measures were recommended by the specialist in this regard.

CapeNature indicated (in their comment dated 20 October 2021) that the botanical site sensitivity verification and compliance statement (compiled by Capensis and dated December 2019) is supported and agree that a search and rescue is not required.

3.4. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape. Heritage Western Cape indicated (in their comment dated 29 April 2020) that since there is no reason to believe that the proposed development will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

3.5. Traffic Impacts

A Traffic Impact Assessment was undertaken in 2011 and updated in 2014 for the greater Watergate development. The updated Traffic Impact Assessment undertaken in 2014 was based on the development of approximately 827 residential units, which was reduced to the development of approximately 656 units for the greater Watergate development.

Since the proposed development will result in an additional 33 residential units (when compared to the initial approval), a full Traffic Impact Assessment was not warranted.

A Traffic Impact Statement (compiled by EFG Engineers and dated 06 April 2020) was therefore undertaken to determine the potential traffic impacts associated with the proposed development on Portions 18, 19 and 20 of Farm No. 691, Mitchells Plain.

The specialist indicated that an additional fourteen (14) trips to the existing background traffic of the greater Watergate development would be generated as a result of the proposed development. The anticipated increase in trip generation is considered to be an insignificant increase to the traffic related to the existing greater Watergate development. The potential traffic impacts are therefore anticipated to be of low negative significance post mitigation. Mitigation measures for the calming of traffic have been recommended by the specialist and have been included in the EMPr.

3.6. Services

Since the proposed development will form part of the larger Watergate development, all services will link into the municipal infrastructure developed within the larger Watergate development.

An Electrical Services Report (compiled by KCD Electrical Solutions) was compiled to determine the electrical services required for the proposed development. Sufficient, spare and unallocated electricity supply has been confirmed by the City of Cape Town (correspondence dated 07 February 2020).

Confirmation of the provision of sufficient capacity for solid waste management services is available to accommodate the proposed development as indicated by the City of Cape Town (dated 04 February 2022).

Confirmation of the provision of sufficient capacity for water and sewage reticulation and sewerage treatment services has been confirmed by the City of Cape Town (in their comment dated 25 May 2020). A water supply connection (i.e. 110mm diameter) into the existing bulk water main infrastructure along the Watergate Boulevard will link the proposed residential development at two points. The network infrastructure will be further split to subdivided erven for domestic supply via a 25mm diameter pipeline network. A sewer network connection (i.e. 160mm diameter) into the existing sewer main infrastructure along the Watergate Boulevard will link the proposed residential development at two points. The outflow of sewerage from subdivided erven will be via a 110mm diameter pipeline network within the road reserve. Confirmation has been obtained that the proposed development will be serviced by the Mitchells Plain Waste Water Treatment Works, which has sufficient capacity to accommodate the proposed development. Confirmation of potable water supply for the proposed development has been confirmed by the City of Cape Town (in their comment dated 27 May 2022).

Stormwater infrastructure will link into the existing stormwater infrastructure associated with the larger Watergate development. A Stormwater Management Plan and Master Plan (compiled by NEW Multi-Disciplinary Consulting Engineers and dated May 2015) was undertaken for the larger Watergate development and will be updated to include the relevant stormwater requirements of the proposed development, as required by the City of Cape Town (in their comment dated 04 February 2022). A detailed stormwater management plan will therefore be required by the local authority.

Further, the Department of Water and Sanitation noted (in their comment dated 28 September 2021) their support of the conditions and technical requirements set by the City of Cape Town with respect to water and sanitation relate aspects for the proposed development.

3.7. Air quality impacts

Concerns raised by the City of Cape regarding the height of the proposed development on the southern boundary with respect to the potential health impacts associated with the operation of a coal-fired boiler adjacent to the proposed site.

An Atmospheric Impact Report (compiled by DDA and dated December 2021) was therefore undertaken to determine whether the air quality impacts associated with the coal-fired boiler would impact on the health and well-being of the residents to reside within the proposed development. Emission levels were assumed as per the manufacturer's specifications since no data on the existing boiler was available. An air pollution dispersion modelling process was undertaken by the specialist, which took wind direction and speed into account.

Concentrations of PM₁₀, CO, SO₂ and NO₂ were found to be very low and within their respective air quality standards. The local authority further noted concern relating to potential impacts from soot blowing of the coal-fired boiler at irregular intervals on wind still days and has not been specifically referred to in the air quality assessment report. The air quality specialist indicated that in accordance with the manufacturer's specification, cyclonic grit arrestors are to be fitted within the stack that reduce coarse particles during soot blowing. Therefore, no significant air quality impacts are expected during soot blowing operations. The specialist indicated that the potential air quality impacts are therefore negligible. No mitigation measures were proposed by the specialist.

3.8. Visual Impacts

The proposed development is considered to be in-keeping with the larger Watergate development. The potential visual impact associated with the proposed development is considered to be of negligible in this regard. In addition, the preferred alternative incorporates the urban design principles of the City of Cape Town and a landscape plan will be implemented to reduce the potential visual impacts associated with the proposed development.

The development activities associated with the proposed development is expected to be of short-term duration and mitigation measures for potential visual impacts have been included in the EMPr.

3.9. Dust and Noise Impacts

Potential dust and noise impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr and the proposed Dust Management Plan to be submitted for approval by the local authority.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential visual impacts associated with construction and operational phases;
- Potential traffic impacts;
- The loss of indigenous vegetation;
- Potential water pollution; and
- Potential dust and noise impacts during the construction phase.

Positive impacts include:

- The provision of housing opportunities within the area;
- Some employment opportunities during construction phase of the proposed development; and
- Economic gain for the applicant.

National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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